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SENATE

{ REPORT
106-207

LOWER DELAWARE WILD AND SCENIC RIVERS ACT

NOVEMBER 2, 1999.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1296]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1296) to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lower Delaware Wild and Scenic Rivers Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 102-460 directed the Secretary of the Interior, in cooperation and consultation with appropriate Federal, State, regional, and local agencies, to conduct a study of the eligibility and suitability of the lower Delaware River for inclusion in the Wild and Scenic Rivers System;

(2) during the study, the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service prepared a river management plan for the study area entitled “Lower Delaware River Management Plan” and dated August 1997, which establishes goals and actions that will ensure long-term protection of the river’s outstanding values and compatible management of land and water resources associated with the river; and

(3) after completion of the study, 24 municipalities along segments of the Delaware River eligible for designation passed resolutions supporting the Lower Delaware River Management Plan, agreeing to take action to implement the goals of the plan, and endorsing designation of the river.

SEC. 3. DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by designating the first undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104–208, as paragraph 157;

(2) by designating the second undesignated paragraph following paragraph 156, pertaining to the Clarion River, Pennsylvania, and enacted by Public Law 104–314, as paragraph 158;

(3) by designating the third undesignated paragraph following paragraph 156, pertaining to Lamprey River, New Hampshire, and enacted by Public Law 104–333, as paragraph 159;

(4) by striking the fourth undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104–333, and

(5) by adding at the end the following:

“(161) LOWER DELAWARE RIVER AND ASSOCIATED TRIBUTARIES, NEW JERSEY AND PENNSYLVANIA.—(A) The 65.6 miles of river segments in New Jersey and Pennsylvania, consisting of—

“(i) the segment from river mile 193.8 to the northern border of the city of Easton, Pennsylvania (approximately 10.5 miles), as a recreational river;

“(ii) the segment from a point just south of the Gilbert Generating Station to a point just north of the Point Pleasant Pumping Station (approximately 14.2 miles), as a recreational river;

“(iii) the segment from the point just south of the Point Pleasant Pumping Station to a point 1,000 feet north of the Route 202 bridge (approximately 6.3), as a recreational river;

“(iv) the segment from a point 1,750 feet south of the Route 202 bridge to the southern border of the town of New Hope, Pennsylvania (approximately 1.9), as a recreational river;

“(v) the segment from the southern boundary of the town of New Hope, Pennsylvania, to the town of Washington Crossing, Pennsylvania (approximately 6 miles), as a recreational river;

“(vi) Tinicum Creek (approximately 14.7 miles), as a scenic river;

“(vii) Tohickon Creek from the Lake Nockamixon Dam to the Delaware River (approximately 10.7 miles), as a scenic river; and

“(viii) Paunacussing Creek in Solebury Township (approximately 3 miles), as a recreational river.

“(B) ADMINISTRATION.—The river segments referred to in subparagraph (A) shall be administered by the Secretary of the Interior. Notwithstanding section 10(c), the river segments shall not administered as part of the National Park System.”.

SEC. 4. MANAGEMENT OF RIVER SEGMENTS.

(a) MANAGEMENT OF SEGMENTS.—The river segments designated in section 3 shall be managed—

(1) in accordance with the river plan entitled “Lower Delaware River management Plan” and dated August 1997, (referred to as the “management plan”), prepared by the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service, which establishes goals and actions that will ensure long-term protection of the river’s outstanding values and compatible management of land and water resources associated with the river; and

(2) in cooperation with appropriate Federal, State, regional, and local agencies, including—

(A) the New Jersey Department of Environmental Protection;

(B) the Pennsylvania Department of Conservation and Natural Resources;

(C) the Delaware and Lehigh Navigation Canal Heritage Corridor Commission;

(D) the Delaware and Raritan Canal Commission; and

(E) the Delaware River Greenway Partnership.

“(b) SATISFACTION OF REQUIREMENTS FOR PLAN.—The management plan shall be considered to satisfy the requirements for a comprehensive plan under subsection 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

“(c) FEDERAL ROLE.—

“(1) RESTRICTIONS ON WATER RESOURCE PROJECTS.—In determining under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)) whether a proposed water resources project would have a direct and adverse effect on the value for which a segment is designated as part of the Wild and Scenic Rivers System, the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall consider the extent to which the project is consistent with the management plan.

(2) COOPERATIVE AGREEMENTS.—Any cooperative agreements entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of the segments designated by this Act shall—

(A) be consistent with the management plan; and

(B) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(3) SUPPORT FOR IMPLEMENTATION.—The secretary may provide technical assistance, staff support, and funding to assist in the implementation of the management plan.

(d) LAND MANAGEMENT.—

(1) IN GENERAL.—The Secretary may provide planning, financial, and technical assistance to local municipalities to assist in the implementation of actions to protect the natural, economic, and historic resources of the river segments designated by this Act.

(2) PLAN REQUIREMENTS.—After adoption of recommendations made in section III of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(e) ADDITIONAL SEGMENTS.—

(1) IN GENERAL.—In this paragraph, the term “additional segment” means—

(A) the segment from the Delaware Water Gap to the Toll Bridge connecting Columbia, New Jersey, and Portland, Pennsylvania (approximately 9.2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(B) the segment from the Erie Lackawanna railroad bridge to the southern tip of Dildine Island (approximately 3.6 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(C) the segment from the southern tip of Mack Island to the northern border of the town of Belvidere, New Jersey (approximately 2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(D) the segment from the southern border of the town of Phillipsburg, New Jersey, to a point just north of Gilbert Generating Station (approximately 9.5 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(E) Paulinskill River in Knowlton Township (approximately 2.4 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river; and

(F) Cook's Creek (approximately 3.5 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a scenic river.

(2) FINDING.—Congress finds that each of the additional segments is suitable for designation as a recreational river or scenic river under this paragraph, if there is adequate local support for the designation.

(3) DESIGNATION.—If the Secretary finds that there is adequate local support for designating any of the additional segments as a recreational river or scenic river—

(A) the Secretary shall publish in the Federal Register a notice of the designation of the segment; and

(B) the segment shall thereby be designated as a recreational river or scenic river, as the case may be, in accordance with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(4) CRITERIA FOR LOCAL SUPPORT.—In determining whether there is adequate local support for the designation of an additional segment, the Secretary shall consider, among other things, the preferences of local governments expressed in resolutions concerning designation of the segment.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

PURPOSE OF THE MEASURE

The purpose of S. 1296, as ordered reported, is to designate eight segments, totaling approximately 65 miles, along the lower Delaware River in New Jersey and Pennsylvania and along 3 tributaries as part of the National Wild and Scenic Rivers System. It would also allow the Secretary of the Interior to designate an additional six segments, totaling approximately 30 miles, once local governments pass resolutions in favor of the designation.

BACKGROUND AND NEED

In 1992, Public Law 102-460 directed the Secretary of the Interior to conduct a study of the lower Delaware River and its tributaries in New Jersey and Pennsylvania, for possible inclusion in the Wild and Scenic Rivers System. In 1978, both the Upper Delaware and the Middle Delaware were designated as Wild and Scenic Rivers. The Middle Delaware National Scenic River is within the boundaries of Delaware Water Gap National Recreation Area. The Upper Delaware Scenic and Recreational River is managed by the National Park Service in cooperation with state and local governments, as well as other federal agencies.

The Delaware River flows about 300 miles from the Catskill Mountains to the Delaware Bay. If the lower Delaware River is added to the Wild and Scenic Rivers system, the entire river from Trenton, New Jersey north (with exception of a few sections in developed areas) will be part of the national system. The section below Trenton is included in the National Estuary System.

The lower Delaware River is the boundary between New Jersey and Pennsylvania. It contains numerous natural features and the corridor includes 29 national historic districts and 8 national historic landmarks. Popular recreational activities include canoeing, kayaking, tubing, birdwatching, and fishing.

LEGISLATIVE HISTORY

S. 1296 was introduced by Senators Lautenberg, Torricelli and Santorum on June 28, 1999. The subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S. 1296 on October 13, 1999.

At its business meeting on October 20, 1999, the Committee on Energy and Natural Resources ordered S. 1296, favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on October 20, 1999, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 1296, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 1296, the Committee adopted an amendment in the nature of a substitute. In addition to making several technical and conforming changes, the amendment provides

that although the river is to be administered by the National Park Service, it is not be managed as part of the National Park System.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill's short title as the "Lower Delaware Wild and Scenic Rivers Act".

Section 2 lists the congressional findings, including that Public law 102-460 directed the Secretary of the Interior, in cooperation with other organizations, to conduct a study of the eligibility and suitability of the lower Delaware River for inclusion in the Wild and Scenic Rivers System; during that study, the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service prepared a 1997 management plan entitled "Lower Delaware River Management Plan"; and that 24 municipalities along eligible segments of the river passed resolutions supporting the plan and agreed to take action to implement the goals while endorsing the designation of the river.

Section 3 amends section 3(a) of the Wild and Scenic Rivers Act to make conforming changes and to designate the lower Delaware River as a component of the Wild and Scenic Rivers System. The Lower Delaware River is to comprise eight segments totaling 65.6 miles along the Delaware River and along portions of Tinicum Creek, Tohickon Creek and Paunacussing Creek. Six of the eight segments are to be administered as a recreational river and two are to be administered as a scenic river. The river segments are to be administered by the Secretary of the Interior, but not as part of the National Park System.

Section 4(a) provides that the river segments are to be managed in accordance with the Lower Delaware River Management Plan and in cooperation with a variety of Federal, State, regional, and local agencies.

Subsection (b) states that the management plan is considered to satisfy the requirements for a comprehensive management plan under section 3(d) of the Wild and Scenic Rivers Act.

Subsection (c) spells out the roles of the Secretary of the Interior which include review of proposed water resource projects; the authority to enter into cooperative agreements that may include financial or other assistance; and the authority to provide technical assistance, staff support and funding to assist in the implementation of the management plan.

Subsection (d) authorizes the Secretary to provide planning, financial, and technical assistance to local municipalities to assist in their efforts to protect the natural, economic, and historic resources of their river segments. Section III of the management plan, dealing with zoning ordinances, is cited in order to meet the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act.

Subsection (e) identifies six additional segments, totaling about 30 miles, that are considered suitable for designation as a recreational or scenic river, provided there is adequate local support for the designation. Local support would include resolutions passed by local governments. If so, the Secretary must publish a notice in the Federal Register in order to make the designation.

Section 5 authorizes such sums as necessary to carry out this Act.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1296. The bill is not a regulatory measure in the sense of imposing Government-established standards of significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from enactment of S. 1296, as ordered reported.

EXECUTIVE COMMUNICATIONS

The legislative report received by the Committee from the Department of the Interior setting forth Executive agency recommendation relating to the S. 1296, are set forth below:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, October 15, 1999.

Hon. FRANK MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter responds to your request for views on S. 1296, a bill to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System.

The Department supports the designation of the segments of the Lower Delaware River as identified in S. 1296 as a component of the Wild and Scenic Rivers System. However, the Department recommends that these segments of the Lower Delaware River are not made a unit of the National Park System, since that would lead to federal regulation of activities along the river in a manner that is not necessary here and would not be supported locally.

In October of 1992, Congress directed the National Park Service to undertake a study of several segments of the Lower Delaware River to determine their eligibility for inclusion in the National Wild and Scenic Rivers System. The study was to be done in cooperation and consultation with various federal, state, regional, and local agencies. In addition, a river management plan was to be prepared for a section of the Lower Delaware.

In 1998, the National Park Service issued the "Lower Delaware National Wild and Scenic River Study Draft Report." In the study report, the NPS found that the majority of the river segments identified in the study legislation qualified for designation as a compo-

nent of the Wild and Scenic River System. Those segments found to qualify for designation are reflected in S. 1296.

Because of land ownership patterns along the Lower Delaware River, the National Park Service categorizes the Lower Delaware as a "private lands" river. Five principles guided the study of the river segments: (1) there needed to be a strong emphasis on grass roots involvement and consensus-building in determining whether the river segments were suitable for designation and how they should be managed; (2) the river management plan would be prepared during the study rather than after designation and would be a collaborative effort of NPS, the study task force and state and local governments; (3) designation of river segments would only occur if strong local support for designation existed and was expressed through passage of support resolutions by the affected communities; (4) existing land use patterns would be maintained and local land use control and home rule would not be usurped; and (5) the laws and regulations that affect the Lower Delaware River are complex, involving two states, fifty-seven municipalities, six counties, the Delaware River Basin Commission, and several federal agencies. Coordination is limited, and the recommended management strategy for the Wild and Scenic Rivers segments must enhance cooperation and communication.

With these principles in mind, the study was undertaken and a preferred alternative for designation and management developed. The preferred alternative recommends designation of eight river segments of the Lower Delaware River as a unit of the National Wild and Scenic Rivers System and recommends that the designated river segments be cooperatively managed by a river management committee. Protection of the river's outstanding resources would be based upon private, state and local conservation measures and would not rely on federal land acquisition or direct federal management. Strong local support for the designation and management plan has been demonstrated through resolutions of support adopted by the adjoining local governments in New Jersey and Pennsylvania.

With that in mind, we recommend that S. 1296 be amended so that the river segments shall be administered by the Secretary but shall not be a unit of the National Park System. Such a revision would make it very clear that the Secretary has the administrative responsibility for oversight on the Lower Delaware River as a component of the National Wild and Scenic. However, the often restrictive laws and regulations that govern the planning, management and use of units of the National Park System would not apply to the Lower Delaware River as a National Wild and Scenic River. This change in language is how Congress in other cases has acted to designate as wild and scenic those rivers that are "private lands" rivers.

The Department has no objection to the additional provisions of the bill that authorize the Secretary to provide technical assistance, staff support, and funding to assist in the implementation of the management plan, and provide for cooperative agreements to facilitate the long-term protection, conservation, and enhancement of the segments. We also support the provision that would restrict, consistent with the National Wild and Scenic Rivers Act, water re-

source projects that would have a direct and adverse effect on the value for which the segments have been designated.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DONALD J. BARRY,
Assistant Secretary for Fish and Wildlife and Parks.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law by S. 1296, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman);

(Public Law 90-542, October 2, 1968)

* * * * *

SECTION 3 OF THE WILD AND SCENIC RIVERS ACT

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) * * *

* * * * *

[()] (157) (A) ELKHORN CREEK.—The 6.4 mile segment traversing federally administered lands from that point along the Willamette National Forest boundary on the common section line between Sections 12 and 13, Township 9 South, Range 4 East, Willamette Meridian, to that point where the segment leaves federal ownership along the Bureau of Land Management boundary in Section 1, Township 9 South, Range 3 East, Willamette Meridian, in the following classes:

(i) a 5.8-mile wild river area, extending from that point along the Willamette National Forest boundary on the common section line between Sections 12 and 13, Township 9 South, Range 4 East, Willamette Meridian, to its confluence with Buck Creek in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to be administered as agreed on by the Secretaries of Agriculture and the Interior, or as directed by the President; and

(ii) a 0.6-mile scenic river area, extending from the confluence with Buck Creek in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to that point where the segment leaves federal ownership along the Bureau of Land Management boundary in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to be administered by the Secretary of Interior, or as directed by the President.

(B) Notwithstanding section 3(b) of this Act, the lateral boundaries of both the wild river area and the scenic river area along Elkhorn Creek shall include an average of not

more than 640 acres per mile measured from the ordinary high water mark on both sides of the river.

[()] (158) CLARION RIVER, PENNSYLVANIA.—The 51.7-mile segment of the main stem of the Clarion River from the Allegheny National Forest/State Game Lands Number 44 boundary, located approximately 0.7 miles downstream from the Ridgway Borough limit, to an unnamed tributary in the backwaters of Piney Dam approximately 0.6 miles downstream from Blyson Run, to be administered by the Secretary of Agriculture in the following classifications:

(A) The approximately 8.6-mile segment of the main stem from the Allegheny National Forest/State Game Lands Number 44 boundary, located approximately 0.7 miles downstream from the Ridgway Borough limit, to Portland Mills, as a recreational river.

(B) The approximately 8-mile segment of the main stem from Portland Mills to the Allegheny National Forest boundary, located approximately 0.8 miles downstream from Irwin Run, as a scenic river.

(C) The approximately 26-mile segment of the main stem from the Allegheny National Forest boundary, located approximately 0.8 miles downstream from Irwin Run, to the State Game Lands 283 boundary, located approximately 0.9 miles downstream from the Cooksburg bridge, as a recreational river.

(D) The approximately 9.1-mile segment of the main stem from the State Game Lands 283 boundary, located approximately 0.9 miles downstream from the Cooksburg bridge, to an unnamed tributary at the backwaters of Piney Dam, located approximately 0.6 miles downstream from Blyson run, as a scenic river.

[()] (159) LAMPREY RIVER, NEW HAMPSHIRE.—The 11.5 mile segment extending from the southern Lee town line to the confluence with the Piscassic River in the vicinity of the Durham Newmarket town line (hereinafter in this paragraph referred to as the “segment”) as a recreational river. The segment shall be administered by the Secretary of the Interior through cooperation agreements between the Secretary and the State of New Hampshire and its relevant political subdivisions, namely the towns of Durham, Lee, and Newmarket, pursuant to section 10(e) of this Act. The segment shall be managed in accordance with the Lamprey River Management Plan dated January 10, 1995, and such amendments thereto as the Secretary of the Interior determines are consistent with this Act. Such plan shall be deemed to satisfy the requirements for a comprehensive management plan pursuant to section 3(d) of this Act.

[()] (160) (A) ELKHORN CREEK.—The 6.4-mile segment traversing federally administered lands from that point along the Willamette National Forest boundary on the common section line between Section 12 and 13, Township 9 South, Range 4 East, Willamette Meridian, to that point where the segment leaves Federal ownership along the Bureau of Land Management boundary in Section 1, Township 9 South, Range 3 East, Willamette Meridian, in the following classes:

[(i) a 5.8-mile wild river area, extending from the point along the Willamette National Forest boundary on the common section line between Sections 12 and 13, Township 9 South Range 4 East, Willamette Meridian, to its confluence with Buck Creek in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to be administered as agreed on by the Secretaries of Agriculture and the Interior, or as directed by the President; and

[(ii) a 0.6-mile scenic river area, extending from the confluence with Buck Creek in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to that point where the segment leaves Federal ownership along the Bureau of Land Management boundary in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to be administered by the Secretary of the Interior, or as directed by the President.

[(B) Notwithstanding section 3(b) of this Act, the lateral boundaries of both the wild river area and the scenic river area along Elkhorn Creek shall include an average of not more than 640 acres per mile measured from the ordinary high water mark on both sides of the river.

[(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection (a) of this section shall, within one year from the date of designation of such component under subsection (a) (except where a different date is provided in subsection (a)), establish detailed boundaries therefor (which boundaries shall include an average of not more than 320 acres of land per mile measured from the ordinary high water mark on both sides of the river); and determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments.

[Notice of the availability of the boundaries and classification, and of subsequent boundary amendments shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

[(c) Maps of all boundaries and descriptions of the classifications of designated river segments, and subsequent amendments to such boundaries, shall be available for public inspection in the offices of the administering agency in the District of Columbia and in locations convenient to the designated river.

[(d)(1) For rivers designated on or after January 1, 1986, the Federal agency charged with the administration of each component of the National Wild and Scenic Rivers System shall prepare a comprehensive management plan for such river segment to provide for the protection of the river values. The plan shall address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of this Act. The plan shall be coordinated with and may be incorporated into resource management planning for affected adjacent Federal lands. The plan shall be prepared, after consultation with State and local governments and the interested public within 3 full fiscal years after the date of designation. Notice of the completion and availability of such plans shall be published in the Federal Register.

[(2) For rivers designated before January 1, 1986, all boundaries, classifications, and plans shall be reviewed for conformity within the requirements of this subsection within 10 years through regular agency planning processes.

[(161)] (160) *SUDBURY, ASSABET, AND CONCORD RIVERS, MASSACHUSETTS.*—(A) *The 29 miles of river segments in Massachusetts, as follows:*

(i) *The 14.9-mile segment of the Sudbury River beginning at the Danforth Street Bridge in the town of Framingham, downstream to the Route 2 Bridge in Concord, as a scenic river.*

(ii) *The 1.7-mile segment of the Sudbury River from the Route 2 Bridge downstream to its confluence with the Assabet River at Egg Rock, as a recreational river.*

(iii) *The 4.4-mile segment of the Assabet River beginning 1,000 feet downstream from the Damon Mill Dam in the town of Concord, to its confluence with the Sudbury River at Egg Rock in Concord; as a recreational river.*

(iv) *the 8-mile segment of the Concord River from Egg Rock at the confluence of the Sudbury and Assabet Rivers downstream to the Route 3 Bridge in the town of Billerica, as a recreational river.*

(B) *The segments referred to in subparagraph (A) shall be administered by the Secretary of the Interior in cooperation with the SUASCO River Stewardship Council provided for in the plan referred to in subparagraph (C) through cooperative agreements under section 10(e) between the Secretary and the Commonwealth of Massachusetts and its relevant political subdivisions (including the towns of Framingham, Wayland, Sudbury, Lincoln, Concord, Carlisle, Bedford, and Billerica).*

(C) *The segments referred to in subparagraph (A) shall be managed in accordance with the plan entitled “Sudbury, Assabet and Concord Wild and Scenic Rivers Study, River Conservation Plan”, dated March 16, 1995. The plan is deemed to satisfy the requirement for a comprehensive management plan under subsection (d) of this section.*

(16) *LOWER DELAWARE RIVER AND ASSOCIATED TRIBUTARIES, NEW JERSEY AND PENNSYLVANIA.*—(A) *The 65.6 miles of river segments in New Jersey and Pennsylvania, consisting of—*

(i) *the segment from river mile 193.8 to the northern border of the city of Easton, Pennsylvania (approximately 10.5 miles), as a recreational river;*

(ii) *the segment from a point just south of the Gilbert Generating Station to a point just north of the Point Pleasant Pumping Station (approximately 14.2 miles), as a recreational river;*

(iii) *the segment from the point just south of the Point Pleasant Pumping Station to a point 1,000 feet north of the Route 202 bridge (approximately 6.3), as a recreational river;*

(iv) *the segment from a point, 1,750 feet south of the Route 202 bridge to the southern border of the town of New Hope, Pennsylvania (approximately 1.9), as a recreational river;*

(v) *the segment from the southern boundary of the town of New Hope, Pennsylvania, to the town of Washington Crossing, Pennsylvania (approximately 6 miles), as a recreational river;*

(vi) *Tinicum Creek (approximately 14.7 miles), as a scenic river;*

(vii) *Tohickon Creek from the Lake Nockamixon Dam to the Delaware River (approximately 10.7 miles), as a scenic river; and*

(viii) *Paunacussing Creek in Solebury Township (approximately 3 miles), as a recreational river.*

(B) *ADMINISTRATION.—The river segments referred to in subparagraph (A) shall be administered by the Secretary of the Interior. Notwithstanding section 10(c), the river segments shall not be administered as part of the National Park System.*

* * * * *

